

Region 8 Executive Order 13650 Workgroup

U.S. Department of Labor/OSHA • U.S. Department of Homeland Security • U.S. Environmental Protection Agency

Standard Operating Procedure: LEPC Best Practice Implementation and Support

- **Purpose:** This SOP establishes the procedures to identify and share the best practices of the Local Emergency Planning Committees (LEPCs) throughout Region 8, of which may be modified to best suit specific LEPC needs, in order to facilitate the most efficient and effective practices and use of resources.
- **Scope:** This SOP applies to the U.S. Environmental Protection Agency (EPA), U.S. Department of Labor Occupational Safety and Health Administration (OSHA), U.S. Department of Homeland Security (DHS) Critical Infrastructure Program, and other federal agencies who have activities covered by EO 13650. Region 8 includes Colorado, Montana, Utah, Wyoming, North Dakota, and South Dakota and 27 Tribal nations. LEPCs within this area operate at varying levels and best practices will be shared with them.
- **Prerequisites:** None.
- **Responsibilities:** The Region 8 Executive Order 13650 (EO) Workgroup, comprised of EPA, OSHA, and DHS, is responsible for developing and implementing SOPs which will increase chemical hazard prevention and preparedness at the federal, State, tribal, and local level. This responsibility is the result of the Presidential Executive Order 13650 on Chemical Facility Safety and Security, as well as the report to the White House, developed by the National Chemical Facility Safety and Security Working Group. The report committed “each Regional Response Team (RRT) develop SOPs tailored to their respective regions,” based on the templates developed by the Region 2 Working Group.

Leadership of the effort will be the responsibility of EPA, although the content and substance would require the participation of all partnering agencies. Specific representation is necessary from DHS, OSHA, representatives of emergency management and fire safety officials from Region 8 States/Tribes, as well as some of the more active municipal, county, and city agencies, which will have best practices to contribute.

- **Procedures:** The Workgroup adopts the following procedures to enhance best practice collection and dissemination.

1. EPA Region 8 will maintain best practices, resources, training opportunities, data

links, and a hazard analysis toolkit on a dedicated, public-facing EO 13650 webpage on the Region 8 Regional Response Team website <http://www.rrt8.nrt.org/>.

2. EPA Region 8 will collect LEPC best practices at SERC conferences, LEPC meetings, and other venues to publish in its quarterly newsletter as well as share at other meetings and conferences. These newsletter articles will also be shared via the Region 8 EO 13650 webpage.
3. EPA will attend State Emergency Response Committee (SERC) meetings and coordinate with SERCs to identify high-performing LEPCs and highlight them across the region, resources permitting. OSHA and DHS will attend these meetings resources permitting.
4. EPA will develop a Hazard Analysis Toolkit and provide Train-the-Trainer support for individuals who will then work with LEPCs and local agencies to share information about the available resource and how to use it. The Hazard Analysis Toolkit will be comprised of:
 - a. Overview and introduction of the benefits of conducting hazard analysis, as well as types of hazards to be analyzed.
 - b. How to identify and map Risk Management Plan (RMP) rule covered facilities, as well as basic requirements of the rule and how to use the information reported.
 - c. How to identify and map Emergency Planning Community Right-to-Know Act (EPCRA) covered facilities, key provisions, and how to use the information reported. *Note: not all Region 8 States provide this data to EPA and so it will only be available for those who have done so.*
 - d. How to identify and map OSHA Process Safety Management (PSM) Facilities and key provisions of that rule.
 - e. Who to contact and how to get information on DHS Chemical Facility Anti-Terrorism Standard-covered facilities.
 - f. Other fixed facilities of concern.
 - g. Transportation routes and how to map them.
 - h. Vulnerable Populations and environments.
 - i. Viewing the result as a whole.
 - j. Referral protocol for EPA, DHS, and OSHA.

6. References:

- a) Executive Order 13650: Actions to Improve Chemical Facility Safety and Security – A Shared Commitment: Report for the President, May, 2014.
- b) Executive Order 13650: Improving Chemical Facility Safety and Security, August 1, 2013
- c) Appendix A List of Chemicals to 6 CFR Part 27, November 20, 2007

7. Definitions:

Emergency Planning and Community Right to Know Act (EPCRA): The Emergency Planning and Community Right to Know Act requires that facilities which must prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 must submit a MSDS and Tier I/II inventory form for each such chemical to the appropriate Local Emergency Planning Committee (LEPC), the Fire Department with jurisdiction over the facility, and the State Emergency Response Commission (SERC). Additionally, Section 313 of EPCRA establishes the Toxic Release Inventory (TRI), which tracks the management of certain toxic chemicals that may pose a threat to human health and the environment. U.S. facilities in different industry sectors must report annually how much of each chemical is released to the environment and/or managed through recycling, energy recovery and treatment. The information submitted by facilities is compiled in the Toxics Release Inventory. TRI helps support informed decision-making by industry, government, non-governmental organizations and the public.

Material Safety Data Sheet (MSDS) *Note: now known as Safety Data Sheets (SDS)*

EPCRA requires that facilities which must prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 must submit a MSDS and Tier I/II inventory form for each such chemical to the appropriate LEPC, the Fire Department with jurisdiction over the facility, and the SERC. Section 311 requires a one-time submittal of the MSDSs or a list thereof and Section 312 requires annual reporting of chemical inventories. These submittals are required annually by March 1st if an Extremely Hazardous Substance (EHS) is stored on site at any one time during the prior calendar year at or above 500 pounds or at that chemical's Threshold Planning Quantity (TPQ) – whichever is lower. For all other hazardous chemicals (non-EHSs) the threshold amount is 10,000 pounds.

Regional Response Teams (RRTs): There are 13 Regional Response Teams (RRTs), one for each of ten federal regions, plus one for Alaska, one for the Caribbean, and one for the Pacific Basin. Each RRT maintains a Regional Contingency Plan (RCP) and has State and federal government representation. EPA and the Coast Guard co-chair the RRTs. Like the

National Response Team, the standing RRTs are planning, policy and coordinating bodies and do not respond directly to the scene. The RRT provides assistance as requested by the On-Scene Coordinator during an incident.

Risk Management Plan (RMP): The Risk Management Plan (RMP) Rule implements Section 112(r) of the 1990 Clean Air Act amendments. RMP requires facilities that use extremely hazardous substances to develop a Risk Management Plan. These plans must be revised and resubmitted to EPA every five years. Section 112(r) of the Clean Air Act Amendments requires EPA to publish regulations and guidance for chemical accident prevention at facilities that use extremely hazardous substances. These regulations and guidance are contained in the RMP rule. The information required from facilities under RMP helps local fire, police, and emergency response personnel prepare for and respond to chemical emergencies. Making RMPs available to the public also fosters communication and awareness to improve accident prevention and emergency response practices at the local level. The RMP rule was built upon existing industry codes and standards. It requires companies that use certain flammable and toxic substance to develop a Risk Management Program.

State Emergency Response Commission (SERC) - The agency appointed by the Governor to oversee the administration of EPCRA at the State level. This commission designates and appoints members to LEPCs and reviews emergency response plans for cities and counties.